

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA)	
)	
v.)	
)	Criminal No. 14-40028-TSH
JAMES MERRILL,)	
)	
)	
Defendant)	
)	

REPORT AFTER SIXTH INTERIM STATUS CONFERENCE
PURSUANT TO LOCAL RULE 116.5 (B)

August 13, 2015

Hennessy, M.J.

A sixth Interim Status Conference was held in the above-captioned case on August 12, 2015 in Worcester. Counsel for the United States attended in person, and counsel for Defendant James Merrill attended by telephone. I have given this case a complex case designation in light of the scope and volume of the discovery. Pursuant to Local Rule 116.5(b), and using the numeration of matters listed therein, I report as follows:

Local Rule 116.5(b)(1) through (4)

The United States and Defendant continue to cooperate in the production of the voluminous documentary discovery in this case. The United States has produced almost all discovery it expects to produce. There is an ongoing criminal investigation by authorities in Brazil which may generate some further discovery; the United States expects that this would be a modest amount.

Defendant has engaged outside services to load discovery in a searchable format into electronic files. Defendant expects this process to be done within one week. There are no pending

discovery requests. Defendant is in the process of reviewing discovery. The parties anticipate the need for protective orders and will seek such orders as the need for them may arise.

Local Rule 116.5(b)(5) through (7)

Given the posture of discovery and Defendant's need to review it as it is produced, it is too early to set reliable schedules for motion practice, expert witness disclosures, and a report on whether Defendant Merrill will raise defenses of alibi, public authority or insanity. The court will take up these matters at a future interim status conference.

Local Rule 116.5(b)(8)

The parties agree that the period from Defendant's first appearance on the case through the August 12, 2015 Interim Status Conference is excludable from the time in which trial of this case must commence. The parties further agree that the period from August 13, 2015 through a further Interim Status Conference that I have set for September 24, 2015 should be excluded under the interest of justice provision of the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A). I will issue an order excluding such period based on the complex case designation this case has received and the matters discussed in the Interim Status Report. It is apparent that a continuance that allows Defendant the opportunity to review this discovery serves the interests of justice. No time is chargeable against the statutory speedy trial clock. See Order of Excludable Delay entered on this date.

Local Rule 116.5(b)(9)

It is too early in the case to report on meaningful plea discussions.

Local Rule 116.5(b)(10)

A seventh Interim Status Conference will take place in this case on Thursday, September 24, 2015 at 2:00 p.m., in Courtroom #16, Fifth Floor, Moakley United States Courthouse, 1

Courthouse Way, Boston, Massachusetts. Counsel are directed to appear in person for a review of the matters identified in the Local Rules and the status of discovery and the progress of the case. At this status conference, Defendant shall provide an estimate for the completion of his review of discovery and the court will set deadlines for discovery and motion practice.

/s/ David H. Hennessy

David H. Hennessy

United States Magistrate Judge